

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22064 of 2013**

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1. Mithilesh Kumar S/O Sri Ganga Prasad Purve R/O Station Basti,  
Chandil, P.S. Chandil, District- Sarai Kela Kharsawan, Jharkhand

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. United Bank Of India Nawadih Branch, P.S. Chandan, District- Banka  
Through Its Branch Manager

.... .... Opposite Party/s

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**CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA**  
**ORAL ORDER**

5      24-12-2013

In this case supplementary affidavit has been filed.

Heard the parties.

Petitioner apprehends his arrest in connection with a case for the offence punishable under sections 420, 409, 120B/34 of I.P.C, who is one of the named accused in this case as Probationary Officer in the Bank along with others being instrumental in activating one ATM Card of an account from which no ATM Card could have been issued, but on the basis of said card substantial amount has been withdrawn. Submission is of false implication and after internal departmental enquiry and also in investigation it has come that in fact it is the then branch Manager, co-accused, who taking undue advantage of recent joining of the petitioner and another did everything and he and his son are the persons withdrawing the cash. Taking consideration all such aspects co-accused almost on similarly situated

circumstances Nihar Prasad Yadav has already been granted privilege on 6<sup>th</sup> August, 2013 in Cr. Misc. No. 22405 of 2013 by a Bench of this Court. Further petitioner carries no criminal antecedent.

If it is so, in the event of arrest/surrender before the court below within four weeks, the above named petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Banka in Chandan P.S. Case No. 12 of 2013, subject to the conditions as laid down in section 438 (2) of Cr.P.C. with additional condition to remain physically present before the court below on each and every date at least for two years or till disposal of the case whichever is earlier and in case of failure on two consecutive dates without giving any reasonable explanation, the privilege granted shall be deemed to be cancelled.

**(Akhilesh Chandra, J)**

Abhay/-